

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE:)	Chapter 11
)	
IYS VENTURES, LLC,)	Case No. 23-06782
)	
DEBTOR)	Hon. David D. Cleary
)	U.S. Bankruptcy Judge
)	
)	Hearing Date and Time:
)	July 27, 2023, at 9:00 a.m.

**DEBTOR'S LIST OF WITNESSES AND EXHIBITS FOR HEARING
ON USE OF CASH COLLATERAL**

NOW COMES the IYS Ventures, LLC, as Debtor and Debtor in Possession ("**Debtor**"), by and through its attorneys, Gregory K. Stern, Monica C. O'Brien, Rachel S. Sandler, and Dennis E. Quaid and for its List of Witnesses and Exhibits states as follows:

LIST OF WITNESSES

1. Muwafak Rizek, 15416 S. 70th Court, Orland Park, Illinois

Mr. Rizek is the managing member of IYS Ventures, LLC and manager of Kareem, Inc., Ameer Investment, Inc., Leanne Ventures, Leanne Investment, Kenan Ventures LLC

Mr. Rizek may testify to matters including but not limited to the following: the corporate structure and business operations of IYS Ventures, LLC ("IYS"); the amounts of revenue sources of IYS; its business relationship with CrossAmerica Partners, LP and related affiliates (collectively "CAP") including agreements between the companies; the performance by IYS of its obligations to CAP including the ability of IYS to continue to perform those obligations; the form and structure of adequate protection to which the Court determines CAP is entitled to receive.

2. Raed Najjar, N & G Accounting, N & G Services, 12650 S. 76th Avenue, Palos Heights, Illinois

Mr. Najjar is the Court approved retained accountant who may testify to matters including but not limited to the recording keeping system of IYS, the accuracy of its financial statements, and the preparation of its cash collateral budgets.

3. "Sam" Atieh, 15416 S. 70th Court, Orland Park, Illinois

Mr. Atieh is an employee responsible for bookkeeping and the record keeping system of IYS and Kareem, Inc., Ameer Investment, Inc., Leanne Ventures, LLC, Leanne Investment, LLC,

Kenan Ventures LLC. Mr. Atieh may testify, to matters including but not limited, to recording keeping system of IYS, Kareem, Inc., Ameer Investment, Inc., Leanne Ventures, Leanne Investment, Kenan Ventures LLC, the accuracy of financial statements, the preparation of cash collateral budgets.

4. Wayne Masoner, CAP employee.

Mr. Masoner may testify to matters, including but not limited, to CAP's knowledge of Kareem, Inc., Ameer Investment, Inc., Leanne Ventures, LLC, Leanne Investment, LLC, Kenan Ventures LLC.

5. Daniel Grimes, CAP Territory Manager.

Mr. Grimes may testify to matters, including but not limited, to the leased property located in Hermantown, SD., CAP's knowledge of the imminent opening of a Costco located across the street and CAP's failure to inform IYS of the opening of the Costco.

6. Glen Faust, CAP Vice President of Operations

7. Bob Brecker, CAP Executive Vice President

8. Matthew Brash, CRO of the Debtor

LIST OF EXHIBITS

- | | |
|------------|---|
| Exhibit 1: | Interim Order Authorizing Use of Cash Collateral Pursuant to §363(c)(2) and Bankruptcy Rule 4001(b), dated June 28, 2023. Docket 56 |
| Exhibit 2: | Debtor's Budget for July and August 2023. Docket 66 |
| Exhibit 3: | Debtor's response to objections filed to its use of cash collateral and attachment. Docket 69 and 72 |
| Exhibit 4: | Interim Order Authorizing Use of Cash Collateral Pursuant to §363(c)(2) and Bankruptcy Rule 4001(b) and Setting Hearing on Use of Cash Collateral, dated July 14, 2023. Docket 90 |
| Exhibit 5: | Order Granting CrossAmerica Partners, LP's Motion for Adequate Protection and Request for Hearing on Shortened Notice. Docket 55 |
| Exhibit 6: | PDI Report (Point of Sale Transaction History) for x1451, x0708, x0872 April 2023, May 2023, June 2023, and July 2023. |
| Exhibit 7: | Order (1) Authorizing Employment of Chief Restructuring Officer; (2) Approving Post-Petition Retainer; and (3) Approving Compensation Procedure. Docket 103 |
| Exhibit 8: | Wayne Masoner, CAP employee, May 11, 2023 email to Muwafak Rizek regarding Kareem, Inc. |

- Exhibit 9: CPA management internal memo reflecting Main Goals and Odd Goals.
- Exhibit 10: Environmental Indemnity Agreement between Erickson Oil Products, Inc. (an affiliate of CAP) and Kenan Ventures, LLC, regarding 107 E Montezuma Avenue, Houghton, Michigan (purchased from Erickson Oil Products, Inc. in May 2023).
- Exhibit 11: Email from Scott Hartung, store manager of the Neillsville, WI station dated July 20, 2023, reporting an inquiry of the city of Neillsville as to possible closure of the station after inquiries by Marissa Edwards, Amy Schupp and Jacob Edwards of CAP for licenses to operate that station.
- Exhibit 12: Email of Keith Dodd of Sutton Land of Texas, LLC to Amy Shupp and Jack Mitchell of CAP and Muwafak Rizek regarding the title commitment for the purchase by Kareem, Inc. of the station in Davison County, SD from Erickson Oil Products, Inc. (an affiliate of CrossAmerica).
- Exhibit 13: Group exhibit of emails from managers or employees of the Debtor's stations as to excessive and unannounced inspections by representatives of CrossAmerica of Debtor's stations and harassing questions directed by CrossAmerica representatives to the Debtor's managers or employees resulting in inefficient operations and low employee morale.
- Exhibit 14: Exhibit 4.1 to Lease Agreement (between CrossAmerica and IYS Ventures, LLC), Maintenance Schedule.

The Debtor reserves the right to call additional witnesses in rebuttal.

The Debtor reserves the right to use and introduce additional exhibits in rebuttal.

The Debtor reserves the right to ask the Court to take judicial notice of the docket entries in this case and the documents and papers therein. Pursuant to Fed. R. Evid. 201(c)(1) and d, the court can take judicial notice of the contents of the docket in this matter.” *In re Cordova*, 635 B.R. 321, 333-34 (Bankr. N.D. Ill. 2021); *See also, Levine v. Egidi*, Case No. 93C188, 1993 WL 69146, at *2 (N.D. Ill. Mar. 8, 1993) (authorizing a bankruptcy court to take judicial notice of its own docket); *In re Brent*, 458 B.R. 444, 455n.5 (Bankr. N.D. Ill. 2011) (Goldgar, J.) (recognizing same).

/s/ Gregory K. Stern
Gregory K. Stern, Attorney for Debtor

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